

Via ECFS

May 10, 2018

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: *Comments IB Docket No. 16-185*
WRC-19 Advisory Committee Recommendations

Dear Ms. Dortch:

Sinclair Broadcast Group and its affiliate ONE Media 3.0, LLC hereby submit their comments regarding draft recommendations of the World Radiocommunication Conference Advisory Committee to change the ITU Table of Frequency Allocations aligning the ITU Table with domestic allocations. Specifically, we support View A with respect to Agenda Item 8 for the 2019 World Radiocommunication Conference.¹

View A recommends U.S. withdrawal from footnotes 5.295 and 5.297 to the ITU Table, which identify broadcast television spectrum for International Mobile Telecommunications (IMT) use on a co-primary basis. Eliminating this co-primary status is critical to provide certainty for the broadcast television and related equipment manufacturing industries and encourage investment in the Next Generation TV technology (Next Gen TV - ATSC 3.0), only recently approved by the Commission.

Opponents of these changes claim that leaving these footnotes in place will maintain “flexibility.” That argument is both baseless and self-serving. These footnotes are an unnecessary vestige of the recently completed incentive auction. The footnotes were included *prior to* the incentive auction when it was unknown which channels would be reallocated for IMT use in the U.S. The FCC has now removed the mobile allocation from its domestic table to reflect the results of the auction. There is now simply no remaining uncertainty concerning future domestic use of the 470-608 MHz (Channels 14-36) band. Because the incentive auction reallocated only channels above 37 (614 MHz and above), there is no reason for the United States to continue to support footnote 5.295, which identifies 470-608 MHz for IMT. Moreover, both Canada and Mexico have also stated that 470-608 MHz will not be used for new mobile services, including IMT,² rendering the footnote unnecessary.³ ***No flexibility is required for IMT use since that use is, in fact, precluded.***

¹ International Bureau Seeks Comment on Recommendations Approved by World Radiocommunication Conference Advisory Committee, Public Notice, IB Docket No. 16-185, DA 18-423, Attachment A at 62 (April 26, 2018).

² See ISED, “Proposed Revisions to the Canadian Table of Frequency Allocations [2017] Edition,” SMSE-005-17, page 21-23 and IFT letter to Mindel de la Torre, FCC, IFT/222/UER/168/2015, 15 July 2015.

³ The longstanding use of portions of 470-512 MHz in 11 U.S. urban areas for land-mobile operations will not be affected by withdrawal from this footnote.

Similarly, Sinclair and ONE Media urge withdrawal from ITU Table footnote 5.297, a relic from a 40-year old proposal to share some UHF-TV spectrum with land-mobile services. In this footnote, the U.S. added an allocation to the ITU table in anticipation of more land-mobile/broadcast sharing, but the Commission never added a corresponding allocation to its domestic table of frequency allocations and no land-mobile sharing in the 512-608 MHz band has even been considered in close to a half century. We believe that Canada and Mexico would also assent to removal from the footnote.

Without removal, the ITU footnotes hang like a Sword of Damocles with an ever-present potential that spectrum dedicated to the broadcast service will be impaired just as that spectrum is being earmarked for the provision of dramatically enhanced services. The continuing presence of these footnotes only serves to create baseless uncertainty regarding the commitment of the Commission to the U.S. broadcast industry at a moment when we can afford it least: at the critical launch of Next Gen TV technology. The Commission has enthusiastically endorsed the deployment of Next Gen TV.⁴ There is simply no valid reason for the United States to support an international allocation that is wholly inconsistent with domestic allocations and serves only to undermine domestic investment that will improve television service for American viewers.

Respectfully Submitted,

/s/

Rebecca Hanson
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Sinclair Broadcast Group

/s/

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ONE Media 3.0, LLC

cc: Michael Mullinix
Designated Federal Official
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⁴ As Chairman Pai has noted, “By authorizing the rollout of the next generation broadcast television standard (Next Gen TV) on a voluntary, market-driven basis, we open the door to a substantially improved, free, over-the-air television broadcast service, and fiercer competition in the video marketplace... ***This is precisely the kind of technological innovation the FCC should champion.***” *Authorizing Permissive Use of the “Next Generation” Broadcast Television Standard*, Report and Order and Further Notice of Proposed Rulemaking, 32 FCC Rcd. 9930 (2017), *Statement of Chairman Ajit Pai (emphasis added)*.